

**In The Matter Of:**  
*ADAM SINDELL vs.*  
*LATONYA COACH, et al.*

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*JACOB CLECKNER*  
*June 24, 2023*

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IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

ADAM SINDELL,

Plaintiff,

v.

Civil Action File

No: 5:22-cv-00365-TES

LATONYA COACH, et al.,

Defendants.

The videoconference deposition of JACOB CLECKNER, taken on behalf of the Plaintiff, taken pursuant to agreement of counsel, taken for all purposes authorized by the Federal Rules of Civil Procedure; the reading and signing of the deposition being reserved; taken before Bonnie L. Smith, RPR, Certified Court Reporter, commencing at 10:02 a.m., on this the 24th day of June, 2023, via Zoom Videoconference.

1 APPEARANCES OF COUNSEL:

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P R O C E E D I N G S

WHEREUPON, the following proceedings were taken pursuant to the Federal Rules of Civil Procedure.

COURT REPORTER: Will counsel please introduce themselves and state any objection to the witness being sworn in remotely.

MS. BURTON: Jessica --

MR. WAYMIRE: Jason Waymire -- sorry. Go ahead.

MS. BURTON: Jessica Burton on behalf of plaintiff, Adam Sindell.

MR. WAYMIRE: Jason Waymire on behalf of the defendants and we have no objection to remote swearing.

MS. BURTON: No objection from plaintiff.

(Whereupon,

JACOB CLECKNER

was called as a witness and, having first been duly sworn, was examined and testified as follows:)

CROSS-EXAMINATION

BY MS. BURTON:

Q Good morning, Mr. Cleckner. My name is Jessica Burton. I represent the plaintiff, Adam

1 Sindell, in this case. It's good to see you this  
2 morning and I appreciate you doing this on a Saturday.

3 A No problem. No problem at all.

4 MS. BURTON: And, Jason, do you agree to  
5 reserve all objections except for the form of the  
6 question or responsiveness of the answer until  
7 the first use?

8 MR. WAYMIRE: Yeah. And we'll reserve the  
9 right to read and sign.

10 MS. BURTON: Perfect.

11 MR. WAYMIRE: And we also discussed before  
12 the deposition that certain -- at least one  
13 interrogatory is mistaken because it got copied  
14 and pasted from somebody else's. So that's my  
15 fault. It's number three.

16 MS. BURTON: Right.

17 MR. WAYMIRE: So I think you're just going  
18 to have to ask Mr. Cleckner what the response is  
19 to that rather than rely on my error.

20 MS. BURTON: Yes. And we'll get to that at  
21 some point in the deposition so that way we'll be  
22 able to clarify it better then.

23 So this is going to be the deposition of  
24 Jacob Cleckner taken by agreement and notice of  
25 counsel.

1 BY MS. BURTON:

2 Q My name is Jessica Burton. I represent  
3 Mr. Sindell. I just have some preliminary stuff to go  
4 over with you before we get started if that's okay.

5 A Sounds good.

6 Q So you do understand that you are under  
7 oath; correct?

8 A Yes, ma'am.

9 Q And have you ever given a deposition before?

10 A No, ma'am.

11 Q Have you ever testified in court before?

12 A No, ma'am.

13 Q Okay. So just to kind of give you a little  
14 basis of what the ground rules for a deposition is,  
15 just let me ask a question and you just give a  
16 response. So, basically, I'm just going to ask that  
17 you wait for me to finish a question before you give a  
18 response so that way we're not talking over each other  
19 and the court reporter can more easily take it down.

20 A All right.

21 Q And also I would request verbal responses.  
22 The court reporter can't transcribe, you know, certain  
23 body language. So if you're, like, nodding your head  
24 or shaking your head, it doesn't always, you know,  
25 fully get on to the transcript. So we want to just

1 make sure the answers are clear.

2 A Right.

3 Q And advise me if you do not understand a  
4 question so that way I can just rephrase it.  
5 Sometimes I do ask really bad questions.

6 A Okay.

7 Q So if you don't understand what I'm asking  
8 or if the question for whatever reason was not clear,  
9 then just ask me to rephrase it. If I do ask a  
10 question and you respond to it, I'm going to assume  
11 that you understood the question. Is that fair?

12 A Right. Yes, ma'am.

13 Q Okay. And have you taken any medications  
14 today?

15 A No, ma'am.

16 Q Okay. Are you under any prescription  
17 medications that you should be taking that you have  
18 not?

19 A No, ma'am.

20 Q And are you currently under the influence of  
21 any drugs or alcohol that might affect your ability to  
22 give this deposition today?

23 A No, ma'am.

24 Q Okay. So just -- we're going to start with  
25 some background information. Can you give me your



1 full, legal name?

2 A Jacob, J-A-C-O-B, middle name Alexander,  
3 A-L-E-X-A-N-D-E-R, last name Cleckner,  
4 C-L-E-C-K-N-E-R.

5 Q Perfect.

6 MS. BURTON: And I'm okay with going off the  
7 record for this portion of it if that's okay with  
8 you, Jason.

9 MR. WAYMIRE: Okay with me.

10 (Whereupon, a discussion was held off the  
11 record.)

12 MS. BURTON: I'm comfortable with going back  
13 on the record now.

14 MR. WAYMIRE: Okay.

15 MS. BURTON: Okay. Are we back on the  
16 record?

17 COURT REPORTER: Yes.

18 MS. BURTON: Perfect.

19 BY MS. BURTON:

20 Q So do you currently go by any nicknames or  
21 aliases?

22 A No, ma'am, besides somebody calling me Jake,  
23 but I think that kind of refers to the same name.

24 Q Are there any other names that you've used  
25 in the past?

1           A     No, ma'am. Not to my acknowledgement, no.

2           Q     Okay. And off the record, you did provide  
3 your address. Can you tell me who you live at that  
4 address with, whoever is over the age of 18?

5           A     Oh. Are you talking about, like, now or are  
6 you talking about at the time of the incident? You're  
7 talking about now; correct?

8           Q     Now, yes.

9           A     I have my wife and we have our three  
10 children together. Do you want their names?

11          Q     Your wife's name would be great.

12          A     Tiffani, T-I-F-F-A-N-I, and Cleckner,  
13 C-L-E-C-K-N-E-R.

14          Q     All right. Can you tell me what her maiden  
15 name is?

16          A     Williams, W-I-L-L-I-A-M-S.

17          Q     How long have you guys been married?

18          A     November -- November will make it two years.

19          Q     You guys are still newlyweds.

20 Congratulations.

21          A     Yes. And expecting.

22          Q     Oh. Congratulations.

23          A     Right. Right. Hopefully it's not a fourth  
24 girl.

25          Q     Wow. You guys have quite the lovely family.

1 I assume nobody is over -- well, any of your children  
2 are not over the age of 18; is that correct?

3 A No, ma'am. No, ma'am. Not yet.

4 Q Well, congratulations again. That's  
5 exciting.

6 A Thank you.

7 Q Let's see. And who is mainly responsible  
8 for the bills at your house?

9 A I am.

10 Q Okay. Do you guys rent or own?

11 A Rent.

12 Q And does your wife -- does she work?

13 A Yes. That is correct.

14 Q Does she work in the city that you told me  
15 that y'all live in?

16 A She works in McDonough.

17 Q McDonough. Okay. All right. So we're  
18 going to go a little bit into your educational  
19 background. What's the highest level of education  
20 you've completed?

21 A GED.

22 Q Okay. And where did you obtain your GED  
23 from?

24 A It was -- it was a testing station. I think  
25 it was out of Riverdale, Georgia, I believe. That's

1 where I obtained it.

2 Q And what high school did you attend prior to  
3 that?

4 A Union Grove High School.

5 Q And what is -- what level of high school did  
6 you complete before you left to get your GED?

7 A I believe it was 10th grade.

8 Q Is that the only high school that you  
9 attended?

10 A Yes.

11 Q Okay. And what year did you get your GED?

12 A I believe 2016 if I'm not mistaken.

13 Q Okay. And what year did you leave school?

14 A Maybe the same year.

15 Q 2016?

16 A As far as, like, the high school you mean?

17 Q Yes.

18 A Let's see. So I dropped out in 10th grade.

19 I had to take it when I was 18. So let's say 2014.

20 Yes.

21 Q Okay. Did you say that you were born in '88  
22 or '98?

23 A '98.

24 Q '98?

25 A '98. I'm not that old yet.

1 Q Well, I was '88, so I was thinking --

2 A Oh, I'm sorry. You're still very young. My  
3 apologies. I thought you said like '68, something  
4 like that.

5 Q All right.

6 A My apologies.

7 Q All right. And did you go to any technical  
8 schools or college?

9 A When I -- when I stayed down in Warner  
10 Robins, I attended that Central Georgia Tech. I was  
11 going for my EMT, but I did maybe a couple core  
12 classes but nothing really significant.

13 Q All right. Do you recall how long you  
14 attended school there?

15 A It had to be maybe close to a year.

16 Q Did you obtain any certificates while you  
17 were there?

18 A Negative.

19 Q And then are the other types of any type of  
20 schooling or training that you've done law enforcement  
21 related?

22 A Not law -- not law enforcement related  
23 unless going to, I guess, the jail-officer school that  
24 you attend at GPSTC. I think you go for -- I've  
25 forgot how long the course was.

1 Q Okay. And when did you go through the  
2 jail-officer school?

3 A You've got to bear with me. Let me think  
4 for a second.

5 Q Okay.

6 A It had to be early 2020 if I'm not mistaken  
7 possibly. My dates could be a little mixed up. I'm  
8 not 100-percent accurate.

9 Q And then did you ever serve in the military?

10 A Yes. I'm still in.

11 Q What branch?

12 A Army Reserve. I did six years in the Army  
13 National Guard, but I switched over to the Reserves.

14 Q When did you switch over?

15 A It will be three months ago I would say.

16 Q Well, thank you for your service.

17 A Thank you.

18 Q What year do you recall that you joined the  
19 Army or the Army Reserves?

20 A February 2017 is when I first enlisted.

21 Q And then what is your current rank?

22 A E-5 sergeant.

23 Q And what job duties does that entail?

24 A Being an E-5 sergeant, pretty much you're  
25 getting with the other soldiers. Any scope of plans

1 we have for the day, you know, pass it down to  
2 leadership or pass it up to leadership. Any specifics  
3 tasks that our higher ranking give us, we pretty much  
4 pass it down to the fellow soldiers and really just  
5 carrying out any other duties that needs to be done.  
6 Because it can kind of vary.

7 Q And then I'm not trying to get too into your  
8 personal life or anything like that, but are you a  
9 member of any church or clubs or organizations?

10 A Negative.

11 Q Okay. Do you have any hobbies that you do  
12 regularly that you engage with other people?

13 A Besides exercising. The only thing else  
14 besides that is work.

15 Q Like going to the gym?

16 A Yes.

17 Q Okay. What gym do you go to?

18 A It's here in McDonough and Stockbridge.  
19 It's called Fitness -- no -- yeah, Fitness 2020. It  
20 used to be a Gold's Gym.

21 Q All right. Do you work out with anybody  
22 regularly?

23 A Yes. Yes. I have a gym partner.

24 Q What's the name of the people that you  
25 usually work out with?

1           A     Christian, like the religion, and last name  
2     Horton, like Horton Hears a Who.

3           Q     And how old is Christian?

4           A     Twenty-seven.

5           Q     And it's pretty much just Christian?

6           A     Yes. If it's not him, it's by myself.

7           Q     Gotcha. Have you talked to Christian at all  
8     about this lawsuit or anything regarding the incident?

9           A     No, not really. We don't get really too  
10    involved a lot in people's lives and what's going on.

11          Q     And other than all of the stuff that we've  
12    already discussed, do you hold any other types of  
13    certificates?

14          A     As far as the military, I mean, I completed  
15    a basic leadership course to get entrenched from, you  
16    know, a foot soldier to a sergeant, to NCO.

17          Q     Okay. And then when it comes to exercising  
18    at this gym with your friend, how often do you guys  
19    generally try to go?

20          A     I try to go at least four to five times a  
21    week.

22          Q     Okay. All right. And then let's get into  
23    your employment history. So once you left high  
24    school, what did you do?

25          A     I didn't work until I got my GED. After I



1 got my GED, I enlisted into the military. After I got  
2 out of the military, I obtained a job called CNC Fence  
3 out of McDonough.

4 Q Called what?

5 A CNC Fence.

6 Q Is that S-E-N-S-E?

7 A No. C as in cat and then N and then C.

8 Q I'm sorry. I thought you said CNC Sense.

9 A No, fence. Like wooden fence, chain-link  
10 fence.

11 Q So did you work putting fences up?

12 A Yes. That's correct.

13 Q How long did you do that?

14 A I would say six months.

15 Q All right. And why did you leave that  
16 company?

17 A It was just too strenuous work and not a lot  
18 of compensation.

19 Q By strenuous, do you mean labor intensive?

20 A Hard labor. Hard labor.

21 Q So did you leave because of the hard labor  
22 or was it just because the labor that you were  
23 performing was just underpaid?

24 A Yes. Right there on the second. Yes.

25 Q Okay. And once you left CNC Fence where did

1 you go?

2 A I went to B2 Contracting. Like Bravo and  
3 then 2 Contracting.

4 Q And what did you do there?

5 A I started a whole new trade. I just started  
6 venturing out into the construction world and we used  
7 to do heavy civil, which is, you know, moving dirt  
8 around, underground utilities, stuff like that.

9 Q Okay. And how long did you work there?

10 A I would say about a year. About a year.

11 Q And what was your reason for leaving?

12 A Almost the same as the first one. My  
13 skills -- you know, I wasn't getting paid what my  
14 skills were worth. And it was a smaller company. So  
15 I just didn't find a good fit there.

16 Q Okay. And then what did you do once you  
17 left B2 Contracting?

18 A After that, I went to TW Brown Contracting.

19 Q And what did you do there?

20 A So I transitioned into a utility foreman and  
21 did the same thing, worked a lot of heavy equipment  
22 and heavy utilities, pretty much supervised a crew.

23 Q And how long were you there for?

24 A Two years.

25 Q All right. And what was your reason for

1 leaving that job?

2 A It was more as far as the location. It was  
3 down in Brooks, Georgia, a lot of traveling down  
4 south. I was looking to get up into management and  
5 there wasn't really a lot of open positions. I just  
6 felt like I was not able to grow there, so I had to  
7 kind of transition somewhere else.

8 Q And then where did you go after that?

9 A So that's my current job now. I work at  
10 Plateau Excavation.

11 Q Okay. And what do you do there?

12 A So now I'm the pipe supervisor, underground  
13 pipe -- underground utility supervisor. There you go.

14 Q How long have you been working there?

15 A I would say about six months so far.

16 Q So this is your current job?

17 A Yes.

18 Q Then at what point between this job and your  
19 prior jobs did you get on with the Houston County  
20 Jail?

21 A Oh, shoot. My apologies. I forgot to add  
22 that. So can we rewind? Let's see. Okay. The  
23 Houston County Jail was between the B2 and the TW  
24 Brown Contracting.

25 Q So that would have been around 2020?

1           A     Yes.  Yes.

2           Q     And then you started with TW Brown

3 Contracting --

4           A     After that.

5           Q     -- in, like, around 2021?

6           A     Yes.  Correct.  Correct.

7           Q     Okay.  All right.  So let's look into the  
8 Houston County job.

9           A     Okay.

10          Q     Okay.  Do you remember roughly what date you  
11 started with Houston County?

12          A     I could look back at my resume.  I think it  
13 was early 2020 if I'm not mistaken.  I don't know  
14 exactly.

15          Q     And do you recall --

16          A     I mean -- sorry.  Go ahead.

17          Q     Did you have anything else to put with that  
18 last question?

19          A     No, ma'am.

20          Q     Okay.  Do you recall what the hiring process  
21 was?

22          A     So once we got hired on, we had like a big  
23 orientation basically that the major -- I've forgot  
24 the major at the time, his name.  We would have, like,  
25 an orientation or whatever and he'd kind of, like, go

1 over all the policies in the jail and so forth. Then  
2 after that, I think we had, like, a -- maybe a  
3 two-week course. We would do that. And then through  
4 that -- in that training, they would go through the  
5 kind of use of force, the taser requirements, pretty  
6 much overall the jail policy rules.

7 I believe that was a two-week training  
8 course at the jail facility. And then after so many  
9 months after that, that's when we were able to get  
10 into the actual jail school at GPSTC in Forsythe. I  
11 could be leaving one or two small things out, but  
12 that's just to my acknowledgement.

13 Q Were you or any of the other jailers POST  
14 certified?

15 A As far as -- you're talking about POST  
16 certified as far as like going to the police academy  
17 or going to --

18 Q Correct.

19 A No, not the police academy.

20 Q Okay. So you were not POST certified then?

21 A Yes. Correct.

22 Q Do you know whether any of your colleagues  
23 were POST certified?

24 A I don't believe so. Because if they were  
25 POST certified, then they would have just became,

1 like, a police officer. So I don't believe so.

2 MR. WAYMIRE: Let me speak up here. Sorry.

3 MS. BURTON: I'm sorry?

4 MR. WAYMIRE: POST runs both a jail course  
5 and a peace officer course. I think you were  
6 using the terminology POST certified for the  
7 peace officer course.

8 MS. BURTON: Correct. Yes.

9 BY MS. BURTON:

10 Q Did you have arrest powers and the police  
11 academy training?

12 A No. Right. Because I know there is a  
13 certification when getting completed with jail school.  
14 So I was trying to make sure I didn't get it mixed up.

15 Q Right. And I appreciate the clarification.  
16 So thank you.

17 A Okay.

18 Q So then you did say you went through  
19 use-of-force training. Can you tell me a little bit  
20 about that use-of-force training?

21 A To my acknowledgment, they would go over  
22 kind of how -- you know, if there was, like, someone  
23 being combative or unruly, if you had to make those  
24 certain requirements as far as just taking control of  
25 the inmate and if you had to get him -- you know,

1 place him on the ground or have control, just pretty  
2 much having complete -- try to have control of the  
3 individual, if that makes sense, the best you can to  
4 minimize any other risk involved.

5 So I think, you know, we went over a couple,  
6 like, demonstrations, stuff like that. But just  
7 mainly overall it was when you have to engage into a  
8 use of force, just maintain control.

9 Q Did they go over anything that was kind of  
10 like a pyramid structure as to what level of force is  
11 permitted?

12 A Yes. To my acknowledgment, as far as use of  
13 force, you know, there was a couple, like, as far as  
14 giving, you know, a verbal warning and so many verbal  
15 warnings and then after, like, a non-compliance of how  
16 many verbal warnings you may have used, and then  
17 working up to that final step of use of force.

18 Q Okay. What level -- do you recall what  
19 level of force you were permitted to use for each step  
20 that you have to take in order to be able to use any  
21 type of physical force?

22 A I don't remember, like, 100 percent what  
23 each level was. I don't want to give you a false  
24 answer.

25 Q Okay. That's fair enough. I appreciate

1 that. We obviously want you to be as honest as you  
2 can.

3 A Right. I don't want to, you know --

4 Q All right. Earlier you said you'd never  
5 given a deposition or testified in court before. Have  
6 you ever given any other statements under oath?

7 A No, ma'am.

8 Q Okay. Have you ever been a party to any  
9 other lawsuit other than this one?

10 A No, ma'am.

11 Q Have you ever been arrested?

12 A No, ma'am.

13 Q Have you ever been charged with a crime?

14 A I have when I was a juvenile, but all that  
15 got extinguished.

16 Q All right. How old were you when you were  
17 charged with a crime?

18 A Maybe 15.

19 Q What crime were you charged with?

20 A I think it was like alcohol or something  
21 like that. I remember vaguely. It was a long time  
22 ago. I think it was alcohol and I got a couple VOPs  
23 and that was about it.

24 Q By alcohol, what do you mean?

25 A That's the reason why I went to -- got my



1 GED or whatever. I brought it to school or whatever  
2 and then that's what happened and they charged me with  
3 that or whatever. But I was still a juvenile, so I  
4 just got put on probation.

5 Q So you were convicted of that?

6 A Yes.

7 Q Do you remember how long you spent on  
8 probation?

9 A I think it was maybe two years.

10 Q And they did not arrest you for bringing  
11 alcohol to school?

12 A No. No, ma'am.

13 Q All right. Have you ever had to file  
14 bankruptcy?

15 A No, ma'am.

16 Q Okay. And just to go back a little bit to  
17 your work history. So how long do you think that you  
18 spent total in law enforcement or at the jail?

19 A I believe it was a total course maybe of a  
20 year.

21 Q Okay. Why did you end up leaving Houston  
22 County?

23 A I just didn't like the whole atmosphere.  
24 For me, you know, working in the jail system, a lot of  
25 these guys -- when a situation would happen, it was a

1 real -- to me, an unhappy place. To me, I've always  
2 liked to talk to individuals, kind of, you know, hear  
3 their story and stuff like that. It really wasn't  
4 about all the anger and stuff.

5 I feel like in that jail or any type of jail  
6 atmosphere, that's kind of what it revolves around, a  
7 bunch of men with testosterone. I just want to be  
8 kind of like a peaceful guy and I just feel like I can  
9 never find that peace in those type of environments.

10 Q That's an interesting thing you just said  
11 when it came to you felt like there was a lot of  
12 anger. Was that anger coming from the inmates?

13 A I would say just kind of the whole  
14 atmosphere, you know, just everybody being together.  
15 It could be from staff. It could be from inmates. It  
16 could be, you know, a lot of stuff like that.

17 Q Did you ever --

18 A I wouldn't say anger. I would say more  
19 irritation.

20 Q Do you feel like you took any of that anger  
21 or irritation on for yourself?

22 A No, ma'am. No. Huh-uh.

23 Q Okay. Do you recall approximately the date  
24 that you left the Houston County Jail?

25 A Maybe at the end of 2020 going into '21

1 early. Because I know I spent about a year at that  
2 facility. So --

3 Q Do you recall whether you had any internal  
4 complaints against you while you were at the Houston  
5 County Jail?

6 A I don't believe I did.

7 Q What about informal reprimand? Did you ever  
8 get any informal reprimand?

9 A Can you clarify more the informal? What do  
10 you mean?

11 Q Yeah. So a lot of times, you know, as we go  
12 through, you know, our young adult life, we have jobs  
13 that we -- as we're learning how to do stuff,  
14 sometimes they'll, you know, have to give us verbal  
15 redirection or they'll have to write us up for  
16 something.

17 A Oh. Okay. Okay. Yes. No, ma'am. I have  
18 not.

19 Q Okay. Do you recall whether there were any  
20 other types of complaints against you, maybe from the  
21 inmates or any of their family members?

22 A No, ma'am. Not to my -- I mean, usually  
23 when I went to a lot of these pods, I mean, I got  
24 along with a lot of these individuals and I think a  
25 lot of times it went very smooth. I didn't really

1 have any complaints to my acknowledgment.

2 Q Did you have any names that you went by with  
3 the inmates?

4 A I think some of them would call me Big Swole  
5 or Swole. That's all I can really think of.

6 Q Do you know why they called you that?

7 A Because I was just kind of a bigger guy.

8 Q Have you ever had any disciplinary actions  
9 against you from any of your other jobs?

10 A No, ma'am. No, ma'am.

11 Q Is that including in the military?

12 A Yes, ma'am.

13 Q All right. So when you worked at the  
14 Houston County Jail, you said that you went through  
15 orientation where you would go through policies and  
16 procedures and whatnot. Were these policies and  
17 procedures, like, put in any sort of written form?

18 A Yes. We got -- we got this big book. So  
19 whatever -- like a lot of stuff we didn't cover, we  
20 can go over it in that book as well about policy and  
21 procedures and stuff like that.

22 Q Did you ever look through the book once you  
23 completed your police training?

24 A Periodically, you know, like, if I had some  
25 free time, I'd browse through it and stuff like that.

1 But I just didn't look at it every day.

2 Q How much of what you guys did not cover in  
3 your orientation or your training did you look at in  
4 the manual?

5 A I believe most of it was -- it was  
6 condensed, if that make sense. So, you know, in a  
7 manual, it's probably like 10 words that can mean a  
8 couple. So a lot of it was pretty much all covered to  
9 me. It was just condensed in the actual training at  
10 the building.

11 Q Okay. Just to clarify -- because I want to  
12 make sure I'm understanding your response to that --  
13 are you saying that the actual training portion of it  
14 was condensed and it went into more detail in the book  
15 or the manual?

16 A That is correct.

17 Q Okay. And then how much of the manual did  
18 you -- or, the book or the manual did you actually  
19 read through once your training was complete?

20 A I read a good bit over it. Like, when I'd  
21 go home, sometimes I'd read over it or sometimes if I  
22 had some free time, I would browse through it. But  
23 like I said, a lot of it was already covered, so I  
24 already knew it in the back of my head.

25 Q Do you know if you ever finished the book?

1           A     I believe I did.

2           Q     And what were some of the policies regarding  
3 interactions with inmates?

4           A     A couple simple ones as far as, you know,  
5 not, you know, getting involved in anything that could  
6 get yourself in trouble or contraband, you know, stuff  
7 that wasn't allowed into the jail facilities. And  
8 then as far as, like, talking to individuals, you had  
9 to -- like, use of force, you had to have, like, a  
10 written -- or, like, a verbal execution, if that makes  
11 sense. Like, you had a couple verbal warnings.

12                     If they don't understand -- I'm trying to  
13 put it into words for you. If they don't -- after so  
14 many verbal warnings, then you could, you know, go to  
15 that type of use of force. Really stuff like that.  
16 That's really off the top of my head all that I can  
17 remember as far as, like, interacting with inmates,  
18 what you should do, what you shouldn't, what things  
19 you can or cannot bring into the jail. Certain  
20 procedures like that is the only thing I can remember  
21 off the top of my head.

22           Q     Do you remember if there was any policy --  
23 when you interacted with inmates, were there any body  
24 camera policies?

25           A     Yes. Yes.

1 Q What was the policy?

2 A And most -- whenever you got into contact  
3 and you thought there could be a situation that could  
4 happen, you know, you had to have your body cam on you  
5 so if, like, there's anything that we need to use as  
6 far as, like, evidence or anything like that or go  
7 back and play it. That's why we had those body cams.

8 Q So whenever you -- so I'm sorry. You said  
9 you thought if there was going to be a situation, then  
10 you would need to use the body cam?

11 A You know, if we thought there was going to  
12 be something critical, if that makes sense.

13 Q Can you give me an example of what that  
14 would entail?

15 A Like, let's say I'm having a conversation  
16 with an inmate that I could find him very aggressive.  
17 He could maybe harm me or one of my, you know, fellow  
18 coworkers. We need to have that body cam on so we can  
19 actually witness the stuff that couldn't be seen.  
20 Because sometimes maybe a lot of stuff maybe the  
21 camera couldn't pick up something, you know, stuff  
22 like that.

23 Q And so was it -- was it mandatory for you to  
24 have your body camera at that time?

25 A To my acknowledgment, a lot of it really

1 depends on what areas you were located in in the jail.  
2 Because I really don't recall -- I don't believe it  
3 was 100-percent mandatory. I think, you know, it was  
4 depending on what location you were in the jail.

5 Q What locations would require your body  
6 camera?

7 A You know, as far as any type of pod, if  
8 you're on movement, which is kind of like you're kind  
9 of -- if anybody needs assistance and stuff like that.  
10 So most cases, you know, you need to have your body  
11 cam. But, you know, I -- yeah, I would say it would  
12 be mandatory. I don't know 100 percent. I don't want  
13 to give you a false answer.

14 Q So you said either if you go into pods or if  
15 you're going to help someone who needs assistance.  
16 What does that mean, to help someone who needs  
17 assistance?

18 A It could be anything from them, like,  
19 needing a paper towel or something to write with, a  
20 paper. There could be an incident with an inmate. It  
21 could be a lot of different things.

22 Q Okay. So you mean -- and correct me if I'm  
23 wrong please because I'm asking for clarification. So  
24 when you say that if somebody needs assistance, you  
25 mean either inmates or potentially your colleagues; is



1 that correct?

2 A Yes. Yes. Yes.

3 Q So going back to that being part of policy,  
4 do you recall if you had ever violated any policy?

5 A No, ma'am. No, ma'am.

6 Q Is that, no, you don't recall or, no, you  
7 have not?

8 A No, I have not. I pretty much remember, you  
9 know, to my acknowledgment, you know, following all  
10 the procedures.

11 Q Okay. What about your colleagues? Do you  
12 remember your colleagues ever violating any policies?

13 A No, I don't. No, ma'am. I don't believe,  
14 no.

15 Q And do you recall giving an interview to any  
16 of your supervisors regarding the incident that we're  
17 going to talk about here in just a few minutes?

18 A There was like an investigator. I know I  
19 did a recording as far as I had to talk about the  
20 incident and give my statements.

21 Q What was that investigator's name?

22 A It started with an R. I would have to find  
23 out. It was like R -- I really don't remember.

24 Q Do you remember that investigator asking if  
25 you had a body camera on at the time of the incident?

1           A     No, ma'am. I don't remember.

2           Q     Okay. Do you recall if you did have a body  
3 camera on at the time of the incident?

4           A     No, ma'am. Because it's been almost four  
5 years ago. No, ma'am. I do not remember.

6           Q     All right. So let's actually talk about the  
7 incident. So do you understand that by the incident  
8 what I'm referring to is an encounter that you had  
9 with my client, Adam Sindell, on or about June 30th of  
10 2020?

11          A     Yes, ma'am.

12          Q     Okay. So prior to that date, do you know if  
13 you ever had any interactions with Mr. Sindell prior  
14 to that?

15          A     No, ma'am. The only thing is like in  
16 passing or if I went to a pod, I've seen him. But  
17 other than that, no, ma'am.

18          Q     So you never spoke with him before?

19          A     No, ma'am.

20          Q     Okay. Do you know if any of your colleagues  
21 interacted with him prior to that date?

22          A     There could have been some more senior, you  
23 know, veterans in there that probably spoke to him. I  
24 don't know their relations with him.

25          Q     So no other colleagues essentially flagged

1 him to you?

2 A No, ma'am.

3 Q Okay. So other than just having seen him at  
4 the jail, were you familiar with him at all other than  
5 that?

6 A No, ma'am.

7 Q And then on the day in question, how did you  
8 come to encounter him that day?

9 A As far as going to the incident? Is that  
10 what you mean?

11 Q Right. So how did you come to encounter him  
12 right prior to the incident?

13 A Do you want me to kind of go over briefly  
14 the whole scenario of how I got up to it? Is that  
15 what you mean? I want to make sure I say the right  
16 thing.

17 Q Why don't we do this? Do you remember kind  
18 of going to work that day?

19 A Yes. I mean, I still remember kind of  
20 pretty much the incident. I couldn't tell you what I  
21 ate for breakfast and stuff like that. You know, I  
22 can't vaguely remember exactly what pod. I couldn't  
23 have been in a pod if I came to assist. So I'm pretty  
24 sure it was lunch break. I just don't remember, so --

25 Q Well, do you remember -- well, do you

1 remember anything from work that day other than the  
2 incident, like what you were doing prior to that  
3 incident?

4 A No, ma'am.

5 Q Okay. So then generally speaking, whenever  
6 you would go into the Houston County Jail to start  
7 your workday, what time would you generally get to  
8 work?

9 A So we had a briefing room. We had to be in  
10 that briefing room at 5:45 a.m.

11 Q Okay. And then how long are you in the  
12 briefing room?

13 A I'd say about 15 minutes.

14 Q Okay. And then what do you guys do in the  
15 briefing room?

16 A Just kind of go over who's going to be in  
17 what pod, if there was any kind of incidents over the  
18 prior shift so that we're all aware of the situations,  
19 stuff like that.

20 Q Was there any situation that you recall  
21 there being that day that would have put you on high  
22 alert for your workday following?

23 A No, ma'am. No, ma'am.

24 Q Okay. So then after you leave the briefing  
25 room, what do you do?

1           A       What we do is -- whatever pod we are  
2 assigned to, then we go relieve the other officer.

3           Q       Okay. So what pod do you remember being  
4 assigned to that day?

5           A       I can't recall, I mean, exactly which pod I  
6 was in. I can't -- I can't remember off the top of my  
7 head exactly what pod I was in.

8           Q       Do you know if it was Mr. Sindell's pod?

9           A       No, ma'am. No, ma'am. Because -- yeah, no,  
10 ma'am.

11          Q       Do you recall who was assigned to his pod  
12 that day?

13          A       It was Ms. Coach. I don't remember her  
14 first name.

15          Q       Do you remember what pod that was?

16          A       I think it was Lima.

17          Q       Is that L pod?

18          A       Yes, ma'am.

19          Q       Is there any -- well, is there any  
20 categorizations that you had for L pod as far as  
21 inmates, what inmates you would decide to put in L  
22 pod?

23          A       Can you repeat what you said one more time?  
24 I'm sorry. I'm just trying to give you the best  
25 answer.

1           Q     So let me kind of just give you a little  
2 background. So I do a lot of indigent defense in  
3 Gwinnett County. And so they do have different pods  
4 and a lot times they are for different reasons.  
5 Sometimes they'll have pods for people who come in as  
6 veterans. They have pods that are set specifically  
7 for people who have mental health issues. They have  
8 pods for discipline, pods for people who are more  
9 aggressive that you need to be on a more heightened  
10 alert for --

11          A     Okay.

12          Q     -- an intake pod and stuff like that.

13          A     Right. I gotcha. We had a mental health  
14 pod and a disciplinary pod. But as far as any other  
15 big pods, I really don't know what our chain of  
16 command really assigned these individuals. That  
17 wasn't really my partaking. So I couldn't really give  
18 you -- to me, it was just another regular housing dorm  
19 for the males to my acknowledgment.

20          Q     So that would be L pod would be just a  
21 regular housing pod?

22          A     Yes. Yes.

23          Q     So nothing indicated that there would be any  
24 more aggression in this pod than any other pod; is  
25 that right?

1           A     Right. Right. Yes, ma'am.

2           Q     Okay. And so then -- so you get to work.

3     You do the briefing room. You go to your assigned pod  
4     which is not the one that is Mr. Sindell's pod. So  
5     then what happens then?

6           A     So to my acknowledgment, I don't know if it  
7     was lunchtime or -- there was a point where I was  
8     maybe released from whatever pod I was in and there  
9     was a call that they needed assistance in Lima pod,  
10    which that was Ms. Coach's pod.

11          Q     Okay. And then what was -- did she indicate  
12    why she needed assistance?

13          A     I believe she said a refusal for lockdown.

14          Q     Was the entire jail on lockdown at the time?

15          A     I don't believe so. Because some of these  
16    pods I just can't remember. Like I said, I can't  
17    remember. Sometimes they would have rotation. Like a  
18    top tier come out or a bottom tier and it could be  
19    lunchtime. And at this point in time, Lima pod, the  
20    whole pod was supposed to be locked down.

21          Q     So then would deputies -- well, I say  
22    deputies -- would the jailers have authority to put  
23    their pod on lockdown separate from what the rest of  
24    the jail would be doing?

25          A     They could. Yes, ma'am.

1 Q All right. What are some reasons they would  
2 put the pod on lockdown?

3 A If there was potentially -- like, if, you  
4 know, the housing -- the housing pod was too out of  
5 control that people, you know, weren't listening to  
6 verbal commands. They could have been hurting each  
7 other, fighting. Sorry. Did you lose me there?

8 Q No, I'm here.

9 A As far as like, you know, fighting, refusing  
10 verbal commands, stuff like that. In most cases, a  
11 whole pod wouldn't get locked down unless there was a  
12 fight or something like that. The whole pod would get  
13 locked down so they can investigate what's going on.  
14 That's a lot of times why they would lock down a pod.  
15 It could be other reasons. I just don't remember.

16 Q All right. And I think that you testified  
17 earlier that it was around lunchtime when the call  
18 came in that Coach needed assistance. Was that right?

19 A To my acknowledgment, yes, ma'am.

20 Q Okay. And I think I might have understood  
21 that you mentioned that lunchtime might be a reason  
22 for locking them down. I did understand that  
23 correctly?

24 A Yes, ma'am. Yes, ma'am.

25 Q Okay. Do you know if that's the reason why



1 the pod was on lockdown?

2 A I believe so, because after the inmates, you  
3 know, eat their lunch and everything else, they have  
4 to be locked down so the staff can actually rotate and  
5 take their lunch as well.

6 Q So you mean like the person who was assigned  
7 to the pod? So the jailer who's assigned to the pod  
8 can go and take a lunch; is that right?

9 A And get relieved and stuff like that. Yes,  
10 ma'am.

11 Q Okay. Do you know if Coach was about to  
12 take her own lunch?

13 A I don't remember. No, ma'am.

14 Q Okay. So then you get the call from Coach  
15 stating that she needed assistance. And then what  
16 happened after that?

17 A I walked into the pods and everyone was  
18 locked down. I already heard Ms. Coach telling  
19 Mr. Sindell lock down. I walked in the pod. Right  
20 when I walked in, I seen him. He seen me. I told  
21 him, hey, you need to lock down. I got a little  
22 closer. Hey, you need to lock down. And he was not  
23 even acknowledging anything I was saying pretty much.

24 Q Do you recall there being any indication  
25 that Sindell had permission to be at the kiosk at the

1 time?

2 A No, ma'am. Because then there wouldn't have  
3 been a call for assistance over the radio.

4 Q Okay. And so when you arrived to L pod to  
5 assist Coach, what happened?

6 A Like I said, I walked in. Ms. Coach has  
7 already given him I don't know how many commands to  
8 lock down. He was refusing. I walked in. I told him  
9 to lock down. He refused again. I walked up closer,  
10 told him to lock down. He refused.

11 Then when he turned around and looked at me,  
12 he kind of in my eyes dropped his shoulder like he was  
13 either going to attack me or to my acknowledgment I  
14 don't know what his plan of action was. And that's  
15 when I took him to the ground to gain control.

16 Q Okay. What do you mean by dropped his  
17 shoulder?

18 A Like, drop your shoulder as far as your arm,  
19 like if you're going to punch something, have  
20 something in your hands.

21 Q Can you --

22 A Say again?

23 Q Can you demonstrate it?

24 A So, like, say if you're standing right here  
25 and all of the sudden you step back. Like, right

1 before you throw a throw or something, your shoulder  
2 drops back. Does that make sense?

3 Q It does, yes.

4 A Yes.

5 Q Do you recall what the rest of -- so you're  
6 saying that you thought that he had a dropped  
7 shoulder. Was there anything else about his body  
8 language that you recall?

9 A That was really the biggest indicator, you  
10 know. Because I didn't know -- I didn't know him. I  
11 had never had any prior experience with him. So I  
12 didn't know what he's capable of and I just didn't  
13 want to take a chance for me and my coworkers for  
14 anybody to get hurt.

15 Q How many people do you recall coming to the  
16 pod with?

17 A It was me and Boerger who came to the pod.

18 Q Was there a third person that was with you?

19 A After the incident, like, medical. But  
20 that's later on. But coming into the pod, just me and  
21 Boerger.

22 Q Okay. And was Coach still in the pod as  
23 well?

24 A Yes, ma'am.

25 Q Where was Coach located at this time?

1           A     She was still sitting I believe at that desk  
2     that we sit at inside the pod, behind the desk.

3           Q     Okay. And then where was Boerger located?

4           A     He was -- he was beside me the whole time.

5           Q     He was beside you?

6           A     Correct.

7           Q     Do you recall seeing Mr. Sindell's hands?

8           A     As far as, like, before the incident?

9           Q     Right. Before the incident. So whenever  
10    you walk in and you're telling him to lock down and  
11    you're saying that you see he drops his shoulder, do  
12    you see his hands?

13          A     Right. So after I told him three times,  
14    actually when I got up to him, like, face to face and  
15    when I saw him, his fist was closed.

16          Q     His fists were closed?

17          A     Yes.

18          Q     And how clearly do you remember that  
19    incident?

20          A     As far as the verbal commands and how I  
21    gained control with him and that, I remember pretty  
22    vaguely.

23          Q     Pretty vaguely?

24          A     Yes, ma'am. Like, I can pretty much still  
25    recall that incident.

1 Q Okay. So you mean pretty clearly?

2 A Yes. Like, as far as like the verbal  
3 commands, me taking him down. Now, as far as, like,  
4 the little things, like, in between, like, I remember  
5 mostly of it. I can't tell you 100 percent. So I'm  
6 not going to say 100 percent.

7 Q Do you remember the lapse of time that it  
8 took between the first time that you told him to lock  
9 down and then the time that you made physical contact  
10 with him?

11 A I would say between -- between each time I  
12 told him, I'd probably say maybe three seconds. And  
13 like I said, it -- the whole pod was locked down. So,  
14 I mean, when I say that, you know, he could hear me.  
15 I said that loud enough.

16 Q All right. So how clearly do you remember  
17 his body language?

18 A Pretty clearly. Because when I got up to  
19 him, that's when he turned towards me and dropped his  
20 shoulder.

21 Q And you don't know that he was turning  
22 towards you because you were talking to him; is that  
23 right?

24 A No. To me, in my perspective, that's just  
25 what I recall. Like, I felt like he was going to do

1 something. Like, I don't know what he was going to  
2 do, but that's just kind of how I felt.

3 Q Okay. Do you remember if he said anything?

4 A I don't believe he said anything to me.

5 Q Okay. So he never made any threatening  
6 comments to you then; is that correct?

7 A Yes, ma'am. He didn't.

8 Q All right. So we've been going for about an  
9 hour. And I did forget to tell you this at the  
10 beginning. So this is your deposition, so I want to  
11 make sure that you are comfortable. So if at any  
12 point you need a break, just let me know. But usually  
13 at, you know, the hour mark, I do like to give the  
14 opportunity for a break if we haven't already taken  
15 one. So do you want to break?

16 A I'm okay unless y'all would like one. I  
17 mean, I'm fine.

18 MS. BURTON: Jason, do you want one?

19 MR. WAYMIRE: It's up to you.

20 BY MS. BURTON:

21 Q Okay. I'm okay with continuing on.

22 A Okay.

23 Q So I'm going to try to pull up a video that  
24 I want you to look at, which I will introduce this as  
25 plaintiff's exhibit one.

1                   (Plaintiff's Exhibit 1 was marked for  
2                   identification.)

3                   MS. BURTON: I can share my screen; right,  
4                   Madam Court Reporter?

5                   COURT REPORTER: I believe so.

6 BY MS. BURTON:

7                   Q     Can you see this?

8                   A     Well, now it's a white screen. Is that how  
9                   it's supposed to look?

10                  Q     No. It's probably because I made it full  
11                  screen. Let me see if I can fix that. Is that  
12                  better?

13                  A     Yes. There we go.

14                  Q     All right. So right now, the video is at  
15                  the five minute, 40 second mark.

16                  A     Okay. Yes.

17                  Q     And can you see what writing or typing is up  
18                  here at the top, left-hand corner?

19                  A     Yes. It's June 30th, 2020. It is 2:07:43  
20                  in the afternoon.

21                  Q     Okay. Do you recognize this -- sorry. That  
22                  is the date of the incident; is that correct?

23                  A     Yes.

24                  Q     All right. And do you recognize what this  
25                  video is depicting right now?

1 A Yes.

2 Q What is the location?

3 A This is kind of like pointing towards the  
4 front view, like front area of the pod.

5 Q Would that be L pod?

6 A Yes.

7 Q Okay. And do you see where my cursor is?

8 A Yes.

9 Q So what I'm circling right here, do you  
10 recognize this area?

11 A Yes.

12 Q All right. Would this be the desk that  
13 Coach would be working at?

14 A Yes. Correct.

15 Q But you don't see her there right now, do  
16 you?

17 A No, ma'am.

18 Q Okay. And do you see my cursor right here  
19 at the bottom left of the screen?

20 A Yes.

21 Q All right. Can you describe that to me?

22 A There's an inmate individual looking at the  
23 screen or doing something on the screen.

24 Q What is that screen?

25 A It's a tablet where they could shoot emails,



1 texts or order commissary.

2 Q Okay. And would that be the kiosk?

3 A Yes. Yes.

4 Q All right. Does every pod have a kiosk?

5 A Yes.

6 Q Are there any times that the kiosk is  
7 restricted for inmate use?

8 A As far as like, you know, if they're on  
9 lockdown, you know, they cannot be able to use it, if  
10 it's broken. That's the only other thing that I can  
11 think of.

12 Q So there's no, like, time restrictions as  
13 far as like, you know, there's only certain times of  
14 the day that they're allowed to use it?

15 A Of course. Like, when they're out for  
16 recreation, when they're able to get out of the cell,  
17 that's the time they can use it. But when everybody's  
18 locked down, they're not supposed to be using it.

19 Q And then you did say -- well, let me ask you  
20 this. What time of day would inmates usually have the  
21 lunch rotations?

22 A I think maybe -- maybe it would come at  
23 11:00. I don't remember 100 percent what the lunch  
24 schedule was. Usually the trays would come in there.  
25 They would eat. And then after they would eat, they

1 would all lock down. And after they lock down, that's  
2 when the rotation for the employees would start  
3 rotating.

4 Q Okay. So how long would lunch last?

5 A Maybe 30 minutes I believe. Thirty minutes,  
6 45 minutes.

7 Q Does each pod have a different time for  
8 lunch or does every pod eat at around the same time?

9 A Right. Yes. They all pretty much stay on  
10 the same schedule.

11 Q Okay. So if lunchtime for -- you know, say  
12 J pod is at 11:00 o'clock. Then for L pod, it would  
13 also be at 11:00 o'clock; is that fair to say?

14 A That is correct. I mean, you have to take  
15 into account the trays coming to the pods. So it's  
16 not exact, but --

17 Q Okay. And then how long after the inmates  
18 are finished with lunch do the deputies -- I keep  
19 saying deputies -- but do the jailers usually take  
20 their lunch?

21 A You said how long?

22 Q Right.

23 A Maybe 30 minutes. I don't -- 45 minutes. I  
24 don't know the exact time we used to have.

25 Q Okay. So then if lunch did start at

1 11:00 o'clock in the morning, then Coach would need to  
2 go to lunch sometime between 12:00 and 12:15; is that  
3 right?

4 A Yes, ma'am.

5 Q Okay. And how long would jailers usually go  
6 and take their lunch for?

7 A I would say about 30 minutes.

8 Q Okay. And so given that timeframe, is it  
9 fair to say that Coach should have been back between  
10 12:30 and 12:45?

11 MR. WAYMIRE: Object to form.

12 THE WITNESS: Possibly, if -- say again?

13 MS. BURTON: Jason, did you have an  
14 objection.

15 MR. WAYMIRE: Yeah. I'm just objecting to  
16 the extent that calls for speculation. But he  
17 can answer if he knows.

18 BY MS. BURTON:

19 Q Right. And please note that I'm only asking  
20 to your personal knowledge.

21 A Right.

22 Q You know, based on your experience with  
23 having worked there for a year, is it your  
24 understanding that that is the timeframe that Coach  
25 would have been back from her lunch is between 12:30

1 and 12:45?

2 A Assumably, yes.

3 Q Okay. And then you did indicate that the  
4 time stamp on this video is at 2:07 and 43 seconds; is  
5 that correct?

6 A Yes.

7 Q So if we match that up with the timeframe  
8 that we just went over for lunch, would that have been  
9 during that lunch timeframe?

10 A No.

11 Q Okay. In what relation to lunch would that  
12 have been?

13 A We said that lunch would have been 12:45.  
14 So it's already 2:00 o'clock. Like, two hours past.

15 Q So is it fair to say that even with a little  
16 bit of wiggle room in that schedule, lunch should have  
17 been over then?

18 A That is correct.

19 Q Okay. So -- all right. So we see an inmate  
20 down here that you indicated was at a kiosk. And I'm  
21 just going to go ahead and play the video and I might  
22 stop it at a certain point and ask you questions about  
23 it. Okay?

24 A Okay.

25 (Whereupon, the video was played.)

1 BY MS. BURTON:

2 Q Okay. So there's three people coming in  
3 right here. Do you see those three?

4 A Yes. But I believe the one to your very  
5 left at the top corner, that's Ms. Coach. So she  
6 didn't come in the pod as well. So she was sitting  
7 there the whole time.

8 Q What do you mean?

9 A Like, if you go back where you start, before  
10 you even started the video, she was still in that  
11 corner. See?

12 Q Okay. So she's right there. So she did  
13 not -- she's not sitting at the desk. She's sitting  
14 next to the desk; is that right?

15 A Yes.

16 Q All right.

17 (Whereupon, the video was played.)

18 BY MS. BURTON:

19 Q All right. And then the two people that  
20 just walked in front of her, do you recognize those  
21 people?

22 A Hold on one second. My phone froze. Yes,  
23 ma'am.

24 Q All right. Who is the gentleman to the left  
25 of the screen?

1           A     Boerger. Mr. Boerger.

2           Q     Okay. And who is the gentleman to the  
3 right?

4           A     That is me.

5           Q     Okay. And did you hear any audio whenever  
6 this was just playing?

7           A     Yes.

8           Q     What was the audio saying?

9           A     I heard two -- two audios about being locked  
10 down.

11          Q     Okay. And I'm going to play it again, but  
12 what direction are you and Boerger walking?

13          A     Towards -- towards the inmate.

14                   (Whereupon, the video was played.)

15 BY MS. BURTON:

16          Q     Okay. Do you recognize the inmate at this  
17 time?

18          A     It's just another inmate. I mean, I didn't  
19 know who exactly it was.

20          Q     Do you know who that inmate is now?

21          A     Yes.

22          Q     Who is that inmate?

23          A     Sindell.

24          Q     Okay. And Sindell is still situated behind  
25 the kiosk; is that correct?

1           A     That is correct.

2                     (Whereupon, the video was played.)

3     BY MS. BURTON:

4           Q     All right. So I have stopped now at five  
5     minutes and 56 seconds in. So right here to the -- to  
6     the right, this individual that I am circling, is that  
7     you?

8           A     Yes. That is correct.

9           Q     And it looks like you were indicating off to  
10    the side. Do you see that?

11          A     That's correct, yes.

12          Q     Okay. Can you tell me what you're telling  
13    him at this point?

14          A     I was telling him he needs to lock down to  
15    his cell, which is located where I'm pointing.

16          Q     Okay. And then this would be Boerger right  
17    to the left of you?

18          A     That's correct.

19          Q     The left side of the screen. If we're from  
20    your point of view, he would be to the right of you;  
21    correct?

22          A     That is correct.

23          Q     And you see the inmate, Mr. Sindell?

24          A     That is correct.

25          Q     Okay. Tell me what his body language is --

1 hold on. Let me go back and stop it again.

2 (Whereupon, the video was played.)

3 BY MS. BURTON:

4 Q So when he moves away from the kiosk, I want  
5 you to tell me about his body language.

6 A Okay.

7 Q Okay. How was he walking towards you?

8 A It seemed to me he's walking, you know,  
9 relatively at a pace towards the direction of us. So  
10 I could take it as a threat. That's how I feel.

11 Q You said he was walking at what kind of  
12 pace?

13 A I would say kind of a fast manner towards  
14 us.

15 Q You would call that a fast pace?

16 A Okay. Now once you kind of got it a little  
17 better, no, ma'am. I would say just a moderate pace.

18 Q A moderate pace. Okay. And where are his  
19 hands located?

20 A To the side of him.

21 Q Okay. And I want you -- I'm going to play  
22 it one more time. Hopefully I don't have to play it  
23 again, but can you tell me once I stop it if you can  
24 tell me if you can see which way his hands are  
25 facing --



1           A     Okay.

2           Q     -- or what his hands are doing?

3           A     Okay.

4                     (Whereupon, the video was played.)

5           THE WITNESS:   His hands are still closed.

6   BY MS. BURTON:

7           Q     Okay.   You didn't see his palms up, his  
8   palms out?

9           A     Yes.   But they were still closed.

10          Q     Okay.   So who closed the gap between where  
11   you -- so Mr. Sindell is here and you were there.   Who  
12   closed the gap?

13          A     Both of us.

14          Q     Okay.   Did he make -- at this point when we  
15   see you grab him, had he made any sort of physical  
16   threats against you or -- had he made any type of  
17   verbal or physical threat against you?

18          A     Not verbal, but as far as when we're both  
19   walking towards him, he has his hands closed like that  
20   and his shoulder movement to me, what I'm thinking,  
21   you know, is he could be possibly attacking me.

22          Q     Okay.   Let's see.

23                     (Whereupon, the video was played.)

24   BY MS. BURTON:

25          Q     Sorry.   I'm trying not to have to watch the

1 same parts over. It's hard to move it over to the  
2 right spot, especially with my Internet connection.  
3 All right. I guess I'll have to --

4 A Do you mind pausing just for a second so I  
5 can get my charger?

6 Q I'm sorry?

7 A Do you mind pausing for a second so I can --

8 MR. WAYMIRE: He wants to take a break.

9 MS. BURTON: Yeah. Let's do a five-minute  
10 break.

11 THE WITNESS: Okay.

12 MR. WAYMIRE: Yeah. Just stay on the call.

13 THE WITNESS: Okay. Wonderful.

14 MS. BURTON: If you need to mute yourself,  
15 then go ahead and mute yourself.

16 MR. WAYMIRE: Okay.

17 THE WITNESS: Okay. Thank you.

18 MR. WAYMIRE: Mute it and turn off the  
19 video, but stay on the call.

20 THE WITNESS: Gotcha.

21 (Whereupon, a recess was taken from 11:09  
22 a.m. p.m. until 11:16 a.m.)

23 BY MS. BURTON:

24 Q Okay. Is everyone back?

25 A Yes.

1 Q All right. I'm going to share my screen  
2 again.

3 A All right.

4 Q Okay. So we are back. I had to rewind it  
5 back. It's at the 5:50 mark.

6 (Whereupon, the video was played.)

7 BY MS. BURTON:

8 Q Was Mr. Sindell saying anything to you at  
9 that time?

10 A I don't remember. I don't believe so. I  
11 don't know what he was saying.

12 Q Did you -- did you hear him trying to speak  
13 to you at this time anyway?

14 A No, ma'am.

15 Q Okay. So at this time, you don't remember  
16 him saying anything to you. So it's fair to say he  
17 did not make any type of verbal threat against you; is  
18 that correct?

19 A Yes. That is correct.

20 Q Did he raise his hands at you?

21 A Raise his hand?

22 Q Correct.

23 A No, ma'am. He didn't raise his hand.

24 Q So is it fair to say that his arms remain by  
25 his side pretty much the entire time before you

1 physically make contact with him?

2 A He hands were by his side and when I walked  
3 up to him, his shoulder, the way he gestured towards  
4 me, it felt like he could possibly throw a punch at  
5 me. I don't know. That's just how I perceived it.

6 Q Okay. And can you describe what just  
7 occurred right before I paused the video. And right  
8 now we're at --

9 A I grabbed him by the waist as I placed him  
10 on the ground.

11 Q Okay. Hang on one second. Right now we're  
12 at the six-minute mark and four seconds into that.  
13 And you just stated that you had grabbed him and  
14 placed him on the ground; is that correct?

15 A That is correct.

16 Q Okay. And so right now where it's currently  
17 paused, can you tell me what's going on right here?

18 A We were trying to roll him over so we could  
19 put -- so we could restrain him and put handcuffs on  
20 him so we could have control over him.

21 Q So you could what over him?

22 A Have control.

23 Q Have control over him. Okay.

24 (Whereupon, the video was played.)

25 BY MS. BURTON:

1           Q     Okay. So I'm pausing it now at six minutes  
2     and 12 seconds in. Mr. Sindell is still on the  
3     ground; is that correct?

4           A     That is correct.

5           Q     Do you know if he is conscious at this  
6     point?

7           A     Yes. He was saying something. I don't  
8     recall. But he was. Yes, ma'am.

9                     (Whereupon, the video was played.)

10          BY MS. BURTON:

11           Q     All right. And you guys are picking up  
12     Mr. Sindell. Right now do you see whether or not he  
13     is assisting in getting up?

14           A     No, ma'am. He's not.

15           Q     Can you describe his body right now?

16           A     Really, he's just not trying to get up at  
17     all. So we have to do all the, you know, getting him  
18     up.

19           Q     Is he conscious in this moment?

20           A     I don't recall exactly that moment if he was  
21     or not.

22           Q     Okay. Does he look conscious?

23                     MR. WAYMIRE: Object to form.

24                     THE WITNESS: To me, in the moment, it's  
25     kind of hard to tell.

1 (Whereupon, the video was played.)

2 BY MS. BURTON:

3 Q All right. Okay. And what are you guys  
4 doing -- so now it's at six minutes and 30 seconds in.  
5 What are you guys doing at this point?

6 A We were trying to get him up off the ground  
7 to have him sit on a chair.

8 Q Okay.

9 A But he was kind of not going with our  
10 commands at all.

11 Q Okay. And you still don't know at this  
12 point whether he's conscious?

13 A No, ma'am.

14 Q Okay.

15 A No, ma'am.

16 (Whereupon, the video was played.)

17 BY MS. BURTON:

18 Q Okay. So now we are at seven minutes and  
19 one second in. What is happening right now?

20 A So when me and Boerger try to sit him on the  
21 chair and I believe the other assistant was coming in,  
22 then he somewhat, I guess, went into a seizure mode.  
23 And that's when we realized that he was having a  
24 seizure, so we were trying to assist him and get help.

25 Q Okay. And then how were you assisting him?

1           A     Pretty much make sure all of the chairs were  
2 out of the way so, if he was having a seizure, he  
3 didn't hurt himself in the process.

4           Q     Okay. And then I see there's now two more  
5 people who are now in the pod; is that correct?

6           A     That is correct.

7           Q     Actually, no, I think three. So  
8 initially --

9           A     Yes, three. It would be three more.

10          Q     Okay. So three more. So can you tell me  
11 where -- okay. Can you tell me where you were located  
12 at this time?

13          A     So if you go over to the right, not the  
14 individual that's closest to us but the one right next  
15 to him, I believe that's me. I really can't tell at  
16 the angle of this. I can't tell which one is really  
17 me.

18          Q     Let me back up to -- all right. Let me back  
19 up to six minutes and 23 seconds in. All right. So  
20 is this Ms. Coach --

21          A     Yes.

22          Q     -- right here to the left with the mask on?

23          A     Yes.

24          Q     And then this is you --

25          A     Yes.

1           Q     -- right here? And your head is facing  
2 towards the camera; correct?

3           A     Yes.

4           Q     Okay. And then this individual right here  
5 is Boerger; is that correct?

6           A     That is correct.

7           Q     Okay.

8                     (Whereupon, the video was played.)

9 BY MS. BURTON:

10          Q     Okay. So I'm just going to pause right here  
11 at six minutes and 33 seconds in just to make sure we  
12 have everybody's identity correct.

13          A     Yes.

14          Q     So this is Coach here that is hanging back  
15 away from you, Mr. Boerger and then Mr. Sindell;  
16 right?

17          A     That is correct.

18          Q     Okay. And then the person that is here  
19 holding Mr. Sindell that is closest to the camera is  
20 Boerger; is that correct?

21          A     That is correct.

22          Q     All right. And then the one that is close  
23 to the windows, that is you; right?

24          A     That is correct.

25          Q     Okay.



1 (Whereupon, the video was played.)

2 BY MS. BURTON:

3 Q And it's six minutes and 37 seconds in and  
4 we see someone walking in here up to the top left of  
5 the screen. Do you see that?

6 A That is correct.

7 Q Okay. Do you recognize who that individual  
8 is?

9 A I can't, off the top of my head, remember  
10 his name. No, I can't remember his name off the top  
11 of my head.

12 Q Do you remember who it is, even though you  
13 can't remember his name?

14 A Deputy Curry maybe. I believe it's Deputy  
15 Curry looking by the individual that I have, the  
16 visual.

17 Q Now, is he another jailer?

18 A Yes.

19 Q Okay. All right.

20 (Whereupon, the video was played.)

21 BY MS. BURTON:

22 Q All right. And now it's at six minutes and  
23 49 seconds in. Do you see someone walking in again?

24 A Yes.

25 Q All right.

1 (Whereupon, the video was played.)

2 BY MS. BURTON:

3 Q All right. And at six minutes, 54 seconds,  
4 do you see another person walking in?

5 A Yes.

6 Q Do you -- at this point, can you recognize  
7 either of those other two individuals?

8 A The two at the moment walking in, no, ma'am.

9 Q Okay. So then let's make sure that we have  
10 everybody who has already been identified in here  
11 correct. So the one here with the back to the camera,  
12 is that you?

13 A Yes.

14 Q All right. And then the head that's here in  
15 the middle, is that Boerger?

16 A Correct.

17 Q All right. And the one that is behind the  
18 chairs, is that who you think is Curry?

19 A Yes.

20 Q All right. And then here in the back close  
21 to the windows, is that Coach?

22 A Yes.

23 Q Okay.

24 (Whereupon, the video was played.)

25 BY MS. BURTON:

1           Q     So pausing it at six minutes and 57 seconds  
2 in, it looks like there's a gentleman here with a mask  
3 on. Can you identify who that is?

4           A     He was another deputy. I can't remember his  
5 name, though.

6           Q     Okay. And then what about the individual  
7 here that is right next to the desk?

8           A     That was Lieutenant Craig.

9           Q     All right. Who is -- who is Lieutenant  
10 Craig?

11          A     She is a the lieutenant of that shift, in  
12 charge.

13                   (Whereupon, the video was played.)

14 BY MS. BURTON:

15          Q     Okay. At seven minutes and five seconds in,  
16 what's happening with Mr. Sindell right now?

17          A     So what it appears to us, it looks like he  
18 was having a seizure. So we were trying to help  
19 control him a little bit so he wouldn't hurt himself  
20 or hit his head on something. So we were kind of  
21 trying to make space and make sure he didn't hurt  
22 himself if he was having a seizure.

23          Q     Do you know what caused the seizure?

24          A     I do not. To my recollection, no, ma'am, I  
25 do not.

1 (Whereupon, the video was played.)

2 BY MS. BURTON:

3 Q Okay. So now we're at seven minutes and 30  
4 seconds in. And what is going on right now?

5 A Apparently he is still having a seizure.

6 Q Okay. And then I see that somebody went  
7 over to the desk and is behind the desk or sitting at  
8 the desk. Can you tell me who that is?

9 A I believe that's Ms. Coach.

10 Q Okay. All right. And who is behind her?

11 A I can't see. The time is in the way.

12 Q Okay.

13 A I can't tell.

14 Q Is Mr. Sindell still in handcuffs?

15 A I believe so. I don't remember if he was or  
16 not.

17 Q Do you remember if you or any of your  
18 colleagues attempted to take the handcuffs off of him  
19 at this time while he was having a seizure?

20 A I do not remember. I don't believe so. I  
21 don't know.

22 (Whereupon, the video was played.)

23 BY MS. BURTON:

24 Q Okay. So we are at seven minutes and 40  
25 seconds in and the individual who was just behind

1 Coach is now walking here. Can you tell me what he is  
2 doing?

3 A I have no clue. It looks like he's just  
4 walking to possibly help or assist.

5 Q Okay. You don't see what he's doing with  
6 his hands?

7 A No, ma'am.

8 (Whereupon, the video was played.)

9 BY MS. BURTON:

10 Q How about now?

11 A I still really vaguely can't -- I can't see.

12 Q I'm just going to back it up to seven  
13 minutes and 34 seconds in and you can just let me know  
14 there.

15 A I still do not know exactly what he's doing.  
16 Oh, he's putting gloves on.

17 Q Do you know what Ms. Coach is doing at the  
18 desk?

19 A No, ma'am. She could be trying to radio for  
20 medical down there. I don't know exactly what she was  
21 doing.

22 Q Okay. Do you recall her saying that she was  
23 calling for medical?

24 A I don't remember.

25 (Whereupon, the video was played.)

1 BY MS. BURTON:

2 Q Okay. Do you see other individuals walking  
3 into the pod now?

4 A Yes, ma'am.

5 Q Okay. Once you're able to identify them,  
6 let me know and I'll stop it. Okay?

7 A Okay.

8 (Whereupon, the video was played.)

9 BY MS. BURTON:

10 Q I'm going to have to stop it here.

11 A You can stop. I believe the one close to  
12 the desk is Deputy Ross. But the other two, I still  
13 don't remember which one that was. No, the one next  
14 to -- that one to the left of the one I don't know is  
15 Coach.

16 Q This one?

17 A Yes. That's Coach.

18 Q Okay. And then this one?

19 A I still don't know his name. It's another  
20 deputy.

21 Q So none of the people who were in the pod at  
22 this point are medical?

23 A No.

24 Q Okay.

25 (Whereupon, the video was played.)

1 BY MS. BURTON:

2 Q Okay. So now we're at eight minutes and 18  
3 seconds in. What is Mr. Sindell doing?

4 A He was still -- his legs were kicking  
5 around.

6 Q So is it your impression that he is still  
7 having a seizure?

8 MR. WAYMIRE: Object to form.

9 THE WITNESS: I believe so. I can't -- I'm  
10 not a medical expert, so I can't really tell you  
11 if he was or not.

12 BY MS. BURTON:

13 Q Right. I'm just asking from your point of  
14 view, from your perspective.

15 A From my point of view, possibly.

16 (Whereupon, the video was played.)

17 BY MS. BURTON:

18 Q Okay. So now we're at eight minutes and 25  
19 seconds in. Were you able to see where Mr. Sindell's  
20 legs finally were still?

21 A Yes.

22 Q Okay. At that time, did his body seem to be  
23 calming down at all?

24 A I believe so. Yes, ma'am.

25 Q Okay. All right. I don't think I need to

1 show anything else from this video as of this moment,  
2 so I'm going to stop sharing my screen.

3 And you said that you did not have really  
4 any encounters with Mr. Sindell prior to this; is that  
5 correct?

6 A Yes, ma'am. I have not.

7 Q So you have no personal knowledge of  
8 Mr. Sindell or any medical conditions; is that right?

9 A Yes, ma'am. I don't.

10 Q All right. So you're not aware that he's  
11 never had a seizure prior to this?

12 A Correct.

13 Q And it's your -- and to your knowledge, you  
14 don't know what triggered that seizure?

15 A No, ma'am.

16 Q Did you have a body camera on at the time?

17 A I don't recall.

18 Q I mean, if I were to pull the video back up  
19 and pull up a screen shot, would you be able to tell  
20 me whether or not you see a body camera on there?

21 A Sure. Yes, ma'am.

22 Q Okay. Let me try one more time and then  
23 hopefully I'm done with the video.

24 (Whereupon, the video was played.)

25 BY MS. BURTON:



1           Q     Okay. So this is you right here; is that  
2 correct?

3           A     Yes, ma'am.

4           Q     All right. Are you able to see whether or  
5 not you have a body camera?

6           A     I can't tell. The body cameras are black  
7 and the shirts are kind of like navy blue, so it's  
8 kind of hard to tell.

9           Q     Okay. Let's see if we can get you closer to  
10 the camera.

11                   (Whereupon, the video was played.)

12 BY MS. BURTON:

13           Q     How about right now? Can you see if there's  
14 a body camera?

15           A     There's something on -- do you see about  
16 the -- if you're looking at the left shoulder -- I  
17 don't know -- yeah, the left shoulder what we're  
18 looking at, I can't really tell if that's it. Because  
19 me and Boerger both have it. That could possibly be a  
20 body cam. I don't -- I honestly don't know.

21                   (Whereupon, the video was played.)

22 BY MS. BURTON:

23           Q     It's a little bit closer. Can you see what  
24 it is now?

25           A     It looks like a body camera right there to

1 the left shoulder.

2 Q All right. Did you have a radio on you at  
3 the time?

4 A Yes, ma'am.

5 Q Where would the radio have been?

6 A It would have been on my -- if we're looking  
7 at it, it would have been the right hip.

8 Q The right hip. So is this what your  
9 radio -- or, where your radio would have been?

10 A Yes. Correct.

11 Q Okay. Okay. I might have to pull one other  
12 video.

13 A Okay.

14 Q I'm not sure if I'm going to be able to open  
15 it. Sorry. I'm having a little bit of trouble  
16 pulling it up.

17 A That's all right, ma'am.

18 Q Oh, here we go. Okay. Let's try this.

19 (Whereupon, the video was played.)

20 BY MS. BURTON:

21 Q All right. Can you see this?

22 A Yes.

23 MS. BURTON: Okay. So I'll enter this as  
24 plaintiff's exhibit two.

25 (Plaintiff's Exhibit 2 was marked for

1 identification.)

2 MS. BURTON: And, Madam Court Reporter,  
3 please remind me at the end of this deposition to  
4 email this over to you.

5 BY MS. BURTON:

6 Q I'm just going to play a couple of seconds  
7 of it until we get to a point where I can ask you  
8 questions about it. Okay?

9 A Okay.

10 (Whereupon, the video was played.)

11 BY MS. BURTON:

12 Q All right. So do you see this individual  
13 right here?

14 A Yes.

15 Q Is that you?

16 A Yes. That's correct.

17 Q Okay. Do you recognize where you're  
18 sitting?

19 A Yes.

20 Q Where are you?

21 A I believe -- I mean, I don't 100 percent --  
22 I believe I'm at an investigator's office.

23 Q Is that an investigator whose last name  
24 starts with an R?

25 A Yes.

1 Q Do you remember giving this interview?

2 A Yes.

3 Q Okay.

4 (Whereupon, the video was played.)

5 BY MS. BURTON:

6 Q Okay. Did you hear what you just told the  
7 investigator?

8 A Yes.

9 Q When you said she called and said that there  
10 was someone who refused to lock down, are you  
11 referring to Ms. Coach?

12 A Yes.

13 Q Okay.

14 (Whereupon, the video was played.)

15 BY MS. BURTON:

16 Q Okay. Did you hear where you said where  
17 Mr. Sindell's hands were?

18 A As far as his -- what the situation I was  
19 talking about as far as like he bowed up and his hands  
20 were clenched? Is that what you mean?

21 Q Yeah. You said -- did you just tell the  
22 investigator that Mr. Sindell's hands were at his  
23 stomach?

24 A Yes. But that was after -- that was after I  
25 placed him on the ground.

1           Q     Okay. Gotcha. Thank you for clarifying  
2     that.

3                     (Whereupon, the video was played.)

4     BY MS. BURTON:

5           Q     Okay. So when you were just talking to the  
6     investigator about what happened after you handcuffed  
7     Mr. Sindell and tried to get him to the chair and then  
8     you called medical --

9           A     Correct.

10          Q     -- did you hear yourself tell the  
11     investigator anything about Mr. Sindell having a  
12     seizure or what you perceived to be a seizure?

13          A     Not yet. No, ma'am.

14          Q     Okay.

15                     (Whereupon, the video was played.)

16     BY MS. BURTON:

17          Q     Sorry. Hold on. I might have to go on  
18     because the audio is cutting out.

19          A     All right.

20                     (Whereupon, the video was played.)

21     BY MS. BURTON:

22          Q     All right. So I'm going to pause it there  
23     because I think it's going to have to buffer for a few  
24     more minutes because the sound is cutting in and out.

25          A     Okay.

1           Q     So what you have just described to the  
2 investigator in the video, can you kind of summarize  
3 that here for the record?

4           MR. WAYMIRE: I'm going to object. The  
5 video speaks for itself. I don't understand  
6 why -- well, you can ask him that, but you can  
7 hear exactly what he said.

8           MS. BURTON: Right. You can hear exactly  
9 what he said. I'm just wanting his understanding  
10 of what he just told the investigator just for  
11 purposes of putting it on to the record for the  
12 reporter to be able to take it down into the  
13 deposition.

14           I mean, this is obviously going to be  
15 attached into the deposition. So, you know, the  
16 video is going to control, but I'm just trying to  
17 get him to summarize what he just stated to the  
18 investigator.

19           THE WITNESS: Okay. That little segment  
20 right there, he clenched his -- bowed up his  
21 chest and clenched his fists. And then once I  
22 realized that he was doing that, then I wrapped  
23 him around the waist and I took him to the ground  
24 and went with him to the ground.

25           BY MS. BURTON:

1           Q     Okay. Did you say that Mr. Boerger assisted  
2 getting Mr. Sindell to the ground?

3           A     Yes.

4           Q     So when you say that he assisted Mr. Sindell  
5 going to the ground, can you describe what you mean by  
6 that?

7           A     Like, when he was falling to the ground, he  
8 assisted his falling.

9           Q     So just to make sure that I understand this  
10 correctly, do you mean that he was trying to break the  
11 fall?

12          A     That is correct.

13          Q     Okay. Do you recall whether Mr. Sindell's  
14 head hit the ground?

15          A     To my acknowledgement, I believe his head  
16 did not hit the ground.

17          Q     Okay. Let's see if the audio will  
18 cooperate.

19                   (Whereupon, the video was played.)

20 BY MS. BURTON:

21          Q     All right. I'm going to pause it right  
22 there at six minutes and five seconds in.

23          A     Okay.

24          Q     Mr. Cleckner, do you remember how long after  
25 the incident you gave this interview?

1           A       It had to be the same day I believe.

2           Q       The same day? Is it fair to say that your  
3 memory would have been better of the incident than it  
4 is now, four years later?

5           A       Of course.

6           Q       And do you recall just telling the  
7 investigator that Mr. Sindell looked unconscious once  
8 he went to the ground?

9           A       Say again?

10          Q       Do you recall just telling the -- or, do you  
11 recall telling the investigator -- or, hearing  
12 yourself just tell the investigator that once  
13 Mr. Sindell was to the ground and his arm was  
14 underneath him that he seemed unconscious?

15          A       Yes.

16          Q       All right.

17                   (Whereupon, the video was played.)

18 BY MS. BURTON:

19          Q       Okay. So we're at seven minutes and 24  
20 seconds in. Did you hear the investigator ask you if  
21 you had your body camera on?

22          A       Yes.

23          Q       And what was your answer to him?

24          A       No. But he was asking about if -- about  
25 other interactions if I had a body cam on; correct?



1 That's what you're asking me?

2 Q Well, no. I was just asking if -- I mean,  
3 the lieutenant had just asked if you had your body  
4 camera on and he didn't clarify either way. So what  
5 did you understand it to mean?

6 A Say again?

7 Q What did understand it to mean?

8 A All I'm doing is going off the questions you  
9 asked about did I have a body camera and I said no.

10 Q I'm sorry. Could you repeat that answer?  
11 You were breaking up on my end pretty badly.

12 A On the video, I said, no, I did not have a  
13 body camera on me.

14 Q Do you know if you provided any body camera  
15 video with your responses to your -- or, to our  
16 requests for discovery?

17 A I don't believe so. I don't remember.

18 Q Do you know if you've ever reviewed any body  
19 camera footage of the incident itself?

20 A No, ma'am. I don't think so. I don't  
21 remember.

22 Q All right. Had you ever had any other  
23 physical encounters with any other inmates other than  
24 Mr. Sindell prior to that incident?

25 A Not before. I don't believe so. No, ma'am.

1 Q What about after?

2 A It could have been a couple here and there,  
3 but I don't think anything, like, where I had to write  
4 incidents or anything like that. I don't think  
5 anything serious --

6 Q Did you --

7 A -- to my acknowledgment.

8 Q I'm sorry. I did not mean to interrupt you.

9 A No, you're fine.

10 Q Did you write any reports up after the fact  
11 of this particular incident?

12 A Yes. I believe we had to write a report for  
13 this incident.

14 Q Okay. When you made that physical contact  
15 with Mr. Sindell, do you recall what you were feeling  
16 or thinking at the time?

17 A In my mind, I was worrying about trying to  
18 secure him for potentially him harming me or Boerger  
19 and trying to secure him in the moment.

20 Q Okay. What -- can you describe the surface  
21 of the flooring in the location of L pod where the  
22 incident occurred?

23 A I guess it would probably be concrete I  
24 guess you could say.

25 Q Concrete?

1           A     Yes.

2           Q     Okay. So is it fair to characterize your  
3 physical encounter with Mr. Sindell as you grabbing  
4 him by the waist?

5           A     Say it one more time, ma'am.

6           Q     The way that you had made that -- the way  
7 that you initiated the physical -- the physical  
8 interaction with Mr. --

9                     (Whereupon, there was an audio disruption.)

10       BY MS. BURTON:

11           Q     So sorry about that. Can we take a break?

12           A     Yes. Go ahead.

13                     (Whereupon, a recess was taken from 11:52  
14 a.m. until 11:58 a.m.)

15       BY MS. BURTON:

16           Q     I think before the interruption I was asking  
17 about when you made physical contact with Mr. Sindell.  
18 Is it fair to characterize that as you grabbing him  
19 around the waist?

20           A     That is correct.

21           Q     Okay. And did you pay attention to where  
22 his head was going at all?

23           A     No, not in the moment, because I was worried  
24 about trying to get him to the ground.

25           Q     Okay. So you don't know where his head hit,

1 if at all then? Is that fair to say?

2 A Well, to my acknowledgment, Boerger was to  
3 my side and he was assisting as I was taking him down.  
4 Boerger was on the right side of me I believe helping  
5 right before he fell to the ground with assisting his  
6 head, if that makes sense, to my acknowledgment.

7 Q All right. So is it just that you were  
8 assuming that he was assisting with his head or that's  
9 what you were thinking in the moment?

10 A That's what I was thinking in the moment.

11 Q Okay. But you didn't actually see where his  
12 head landed; is that correct?

13 A No, ma'am. No, ma'am. No, ma'am.

14 Q All right. Let me see. And so y'all did  
15 end up taking Mr. Sindell to medical to receive  
16 medical treatment. Do you know what the findings were  
17 of his medical condition right after the incident?

18 A I do not. No, ma'am. I don't. I don't  
19 remember.

20 Q All right. Did you have any -- well, did  
21 you oversee Mr. Sindell's pod at all in the days  
22 following the incident?

23 A I don't believe so. I mean, I know -- I  
24 don't know when I saw him again, but we had that  
25 conversation like we was talking about in the video

1 where I was trying to reach out to him and tell him I  
2 was just doing my job and stuff like that, but he  
3 didn't want to hear it.

4 Q Okay. And you don't remember if you were  
5 over his pod that day or not?

6 A On the day of the incident?

7 Q No, whenever you tried to have that  
8 conversation with him a few days later.

9 A I could have been. That sounds about right.  
10 Because that's really the only way I would have come  
11 in contact with him.

12 Q So do you recall -- assuming for argument's  
13 sake if you were over the pod that day, do you  
14 remember if there would have been any sort of  
15 indications from the medical staff as far as any  
16 medical needs that he might have needed?

17 A No, ma'am.

18 Q Okay. So I think we've already named you,  
19 Coach, Boerger and Curry as those being involved in  
20 the incident. After seeing the video again, do you  
21 recall any of the other officers' names or anybody  
22 else that might have been involved with this incident?

23 A I believe you had Deputy Larson I believe in  
24 the video as well.

25 Q Is that the one --

1 MR. WAYMIRE: You said something about a  
2 lieutenant earlier as well.

3 THE WITNESS: Yes. And Lieutenant Craig.  
4 Correct.

5 MS. BURTON: Thank you for that reminder.

6 BY MS. BURTON:

7 Q And then the others, you just don't recall  
8 what their names were; is that right?

9 A Correct. Correct.

10 Q Do you know if you submitted a copy of the  
11 report that you wrote on the incident pursuant to our  
12 request for discovery?

13 A I don't. No, ma'am. I don't remember. I  
14 don't know.

15 MR. WAYMIRE: This is Jason. I responded to  
16 all the discovery. So --

17 MS. BURTON: Yeah. And I'm going to  
18 doublecheck. If anything's missing, I'll contact  
19 you.

20 MR. WAYMIRE: Okay.

21 BY MS. BURTON:

22 Q Do you know who else would have written any  
23 incident reports?

24 A Is this question pertaining to me?

25 Q Yes.

1           A     I'm assuming the parties who are involved.  
2     I mean, that's the only thing I could say about who  
3     wrote an incident.

4           Q     Okay. Do you think everyone who was  
5     involved would have written an incident report?

6           A     Yes.

7           Q     Would it have been policy for them to do so?

8           A     Yes. I believe so.

9           Q     Okay. And just to go back earlier in your  
10    testimony, I believe that you said that wearing a body  
11    camera would have been policy if there would have been  
12    anticipation of an incident; is that correct? Does  
13    that characterize your prior testimony correctly?

14          A     I don't 100-percent remember the policy  
15    regulations on the body cams.

16          Q     Okay. Did you anticipate that there would  
17    be possibly an incident whenever Coach called for your  
18    assistance?

19          A     No, ma'am.

20          Q     Okay. Is that despite the fact that you  
21    thought Mr. Sindell was noncompliant with Coach's  
22    orders to lock down?

23          A     Right. I didn't know what I would be  
24    walking into. I didn't know.

25          Q     Okay. And then just to kind of make sure I

1 covered this -- I'm not sure that I did -- we  
2 established that it was past lunchtime. So do you  
3 know of any other reason why L pod would have been  
4 locked down that day?

5 A No, ma'am.

6 Q Okay. I think I'm almost done. So just  
7 give me a few minutes.

8 A No, you're fine.

9 Q Is it required for the new deputies coming  
10 in as jailers to take an oath of office? Do you take  
11 an oath of office as a jailer in Houston County?

12 A Of course. I believe so.

13 Q Do you remember what your oath --

14 A I just --

15 Q I'm sorry. Go ahead.

16 A Say again?

17 Q Do you remember what your oath of office  
18 would have been?

19 A I don't remember.

20 Q Okay. So would you be able to tell me  
21 whether anything in this incident would have been  
22 violative of that oath of office that you took?

23 MR. WAYMIRE: Object to form.

24 THE WITNESS: No, ma'am. It wasn't.

25 BY MS. BURTON:



1           Q     It's fine. You can still answer the  
2 question.

3                     MR. WAYMIRE: He did.

4                     THE WITNESS: I just -- I can't give you an  
5 answer.

6 BY MS. BURTON:

7           Q     Did you -- after the incident, did you  
8 discuss the incident with anyone else?

9           A     No, ma'am.

10          Q     So you never discussed it with your  
11 colleagues?

12          A     After the incident, no, ma'am.

13          Q     Okay. Is it fair to assume that you had to  
14 discuss it with the internal investigation detectives  
15 or investigators?

16          A     Of course, yes.

17          Q     But other than those individuals, is there  
18 anybody within the jail that you would have discussed  
19 this with?

20          A     No, ma'am.

21          Q     Okay. What about outside of the jail?

22          A     No, ma'am.

23          Q     In the four years since you had -- since  
24 this incident has occurred, have you discussed it with  
25 anyone, including your friends or family members?

1 A No, ma'am.

2 Q All right. Do you have social media?

3 A Yes.

4 Q Did you discuss it on social media?

5 A Negative.

6 Q Do you recall what the outcome was of that  
7 internal investigation?

8 A I don't.

9 Q Were you ever written up for it?

10 A No, ma'am.

11 Q Were you ever reprimanded formally or  
12 informally?

13 A No, ma'am.

14 Q Do you know if anybody else was ever  
15 disciplined in relation to the incident?

16 A No, ma'am.

17 Q Was Sindell disciplined because of the  
18 incident?

19 A I don't -- I don't -- I don't know. I don't  
20 believe so.

21 Q All right. And we've already discussed a  
22 brief conversation that you had with Mr. Sindell after  
23 the incident. Have you had any other contact other  
24 than that with Mr. Sindell since the incident?

25 A No, ma'am.

1 Q Okay. I think I might have had a couple  
2 questions. Hold on. Let me just doublecheck my notes  
3 and make sure. Would the investigator have been  
4 George Runyon?

5 A Yes. There you go. That sounds familiar.

6 Q Okay. And then in your response to  
7 interrogatory number three where we asked for you to  
8 fully describe the basis for each of your defenses  
9 that you raised in the answer of our complaint, you  
10 indicated that you relied upon the information from a  
11 fellow officer. Would that fellow officer have been  
12 Coach?

13 A Yes.

14 Q What information was it from her that you  
15 had relied on?

16 A The information that was called over on the  
17 radio.

18 Q And what information would that have been?

19 A I can't give you a 100-percent accurate  
20 answer because I just don't remember.

21 Q Okay. Was the information essentially just  
22 that she told an inmate to lock down and he was still  
23 standing at the kiosk?

24 A Yes.

25 Q Okay. All right. And then you also said

1 that plaintiff was taken to the ground. By taken to  
2 the ground, do you mean that you had physically put  
3 him on the ground?

4 A Yes.

5 Q Okay. So we did request the identity of any  
6 type of records, books, documents, anything like that,  
7 that would essentially support your defenses to this.  
8 I do think that your counsel indicated that we had  
9 everything, but can you give me a list of what those  
10 types of documents would be?

11 MR. WAYMIRE: I'm going to object. That  
12 calls for legal conclusions about the elements of  
13 a defense which he's not going to know. But he  
14 can tell you whatever documents he knows about  
15 this incident. Go ahead.

16 THE WITNESS: The only documents that Jason  
17 had provide me with was the evidence of the video  
18 of the incident.

19 BY MS. BURTON:

20 Q And what types of documents?

21 A The videos we've seen we went over.

22 Q Okay. Anything other than the videos?

23 A The videos, I believe the incident statement  
24 I wrote. That's about it to my acknowledgment.

25 Q Do you know if Mr. Sindell ever had to be

1 transported outside of the jail in order to receive  
2 any further medical treatment?

3 A I don't believe so.

4 Q Okay. So then other than speaking with  
5 Mr. Waymire -- because I don't want to know anything  
6 that you've discussed with him -- what else did you do  
7 in order to prepare for today's deposition?

8 A Plenty of sleep, eat well, try to briefly go  
9 over the video so I had better, you know, memory of  
10 what happened that day.

11 Q Okay. Did you review any reports in  
12 addition to that?

13 A Mostly I went over the physical evidence of  
14 the videos so I could actually pertain to my memory.

15 Q Have you ever read or heard any statements  
16 made by any of your colleagues regarding the incident?

17 A No, ma'am.

18 Q Okay. And then other than the videos, have  
19 you ever reviewed any other materials, not even just  
20 for today's deposition preparation, but in general  
21 have you reviewed any other materials regarding this  
22 incident?

23 A No, ma'am.

24 Q Okay. And is there anything else that you  
25 can recall about the incident that we have not already

1 discussed?

2 A No, ma'am.

3 Q All right. Is there anything else that you  
4 would like to say about the incident?

5 A No, ma'am.

6 MS. BURTON: Okay. That is all the  
7 questions that I have. Your attorney might have  
8 some questions for you.

9 MR. WAYMIRE: I don't have any questions.

10 (Whereupon, the deposition was concluded at  
11 12:11 p.m.)

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DISCLOSURE

STATE OF GEORGIA Deposition of Jacob Cleckner

COUNTY OF COBB Date: June 24th, 2023

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This the 24th day of June, 2023.

---

BONNIE L. SMITH, RPR, CCR  
CCR-B-2432

C E R T I F I C A T E

STATE OF GEORGIA)

COUNTY OF COBB)

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the proceedings were reduced to typewriting under my direction and control.

I further certify that the transcript is a true and correct record of the evidence given at the said proceedings.

I further certify that I am neither a relative or employee or attorney or counsel to any of the parties, nor financially or otherwise interested in this matter.

This the 24th day of June, 2023.



*Bonnie L. Smith*

BONNIE L. SMITH, RPR, CCR B-2432





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